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SEP 22 2005

OFFICE OF PETITIONS

In re Application of
Heidi Kay and Russell Fradin
Application No. 09/216,206
Filed: December 18, 1998
Attorney Docket No. B2745.0025

ON PETITION

This is a decision in response to the papers filed August 1, 2005, which are being treated as:

- (1) a petition under 37 CFR 1.48(b) to correct inventorship,
- (2) a petition under 37 CFR 1.48(c) to correct inventorship
- (3) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.48(c) for inventor Roth,
- (4) a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by all the named inventors.

The petition under 37 CFR 1.48(b) is **granted**.

The petition under 37 CFR 1.48(c) is **dismissed**.

The petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.48(c) is **dismissed**.

The petition under 37 CFR 1.183 requesting waiver of 37 CFR §§ 1.67 and 1.63 is **dismissed**.

Petitioner seeks to delete inventors Kay and Fradin.

Petitioner seeks to add inventors Roth and Salisbury.

The petition under 37 CFR 1.48(b):

Petitioner has satisfied the requirements under 37 CFR 1.48(b). Inventors Kay and Fradin will be removed as inventors for the application.

Inventor Salisbury:

Petitioner states Salisbury has signed a declaration and that the declaration is being submitted with the petition. Unfortunately, a copy of the declaration cannot be located in the file. The Office requests petitioner submit another copy of the declaration along with a request for reconsideration (no fee necessary).

Inventor Roth:

The requirements of 37 CFR 1.48(c) and 37 CFR 1.67 and 1.63 will be waived upon the submission of a proper declaration signed by Salisbury. A proper declaration should include the signature Salisbury's signature and should not have a signature above Roth's name.

Fees:

Fees are not necessary for the instant requests for reconsideration. Office records indicate \$130 was charged twice to petitioner's credit card for the requests for reconsideration. A fee of \$65 was charged to the credit card due to the submission of an executed declaration after the filing date. However, this fee only applies to the submission of the original executed declaration and not a supplemental declaration. The sum of \$325 will be credited back to petitioner's credit card.

Reconsideration:

After filing a request for reconsideration, petitioner should feel free to call the undersigned in order to allow the undersigned to promptly consider the merits of the renewed petition.

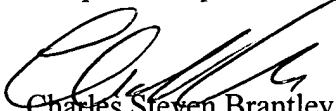
The request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petitions Under 37 CFR 1.183 and 37 CFR 1.48(c)."

Future correspondence may be directed to:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Charles Steven Brantley
Petitions Attorney
Office of Petitions